



No. 78-1932

IN THE
SUPREME COURT OF THE UNITED STATES

NORTHERN ILLINOIS AUTOMOBILE WRECKERS AND
REBUILDERS ASSOCIATION, an Illinois Not-For-Profit Corpo-
ration, and SOUTH CHICAGO AUTO PARTS, INC., an Illinois
corporation,

Plaintiffs-Petitioners,

vs.

ALAN J. DIXON, Secretary of State of Illinois,

Defendant-Respondent.

BRIEF IN OPPOSITION TO
PETITION FOR WRIT OF CERTIORARI

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ADMINISTRATIVE REGULATION INVOLVED**Cross References**

- Sec. 1-118 — Essential parts
- Sec. 3-117 — Scraping, junking or destroying vehicles
- Sec. 4-100 — Definitions
- Sec. 4-102 — Offenses relating to motor vehicles and other vehicles
- Sec. 4-106 — Principals
- Sec. 4-107 — Stolen, converted, recovered and unclaimed vehicles
- Sec. 5-100 — Definitions
- Sec. 5-201 — Transporters must apply for in-transit plates
- Sec. 5-301 — Used parts dealers, scrap processors, automotive parts recyclers and rebuilders must be licensed
- Sec. 5-401 — Licensees required to keep records
- Rule 5-401A — *Required Records For Used Parts Dealers, Scrap Processors, Automotive Parts Recyclers And Rebuilders*

Each person or firm licensed pursuant to Section 5-301 of the Illinois Vehicle Code is required to maintain for a period of three years subsequent to the acquisition, disposal, wrecking, rebuilding or scraping of vehicles or parts thereof, a uniform record of such transactions at his principal place of business. Such records shall be kept in a ledger commonly referred to as a "Police Book". The "Police Book" shall be a double entry type ledger reflecting the required information at the time of acquisition and at the time of disposal. The required information shall be, but without limitation, as required hereunder.

1. Upon the Purchase, Receipt or Acquisition of Vehicles, Parts, Bodies or Engines, the following information must be recorded.

- A. The name, address, and verification of same, of the person from whom acquired. Verification shall be by Driver's License, or if none, then State Identification Card, or if none, other reliable identification.
 - B. The date and type of acquisition (i.e. sale, exchange, etc.)
 - C. The purchase price and type of payment (check, cash, etc.)
 - D. A description of the vehicle or part, including:
 - 1. The year, make and model;
 - 2. Engine serial number if applicable;
 - 3. Vehicle serial number if applicable;
 - 4. The year, make, model and manufacturer's identification number of the vehicle from which the part was removed.
 - E. Any other identifying marks or numbers.
 - F. Documentary proof of ownership (eg. title, notarized bill of sale, salvage certificate or junking title) and appropriate title number.
 - G. Whether any serial number or other identifying mark of the manufacturer or Secretary of State has been altered, defaced or removed.
2. It shall be the responsibility of every licensee hereunder to inspect every vehicle or part acquired. If there is any evidence that any serial number thereon has been removed, altered, defaced or destroyed, the licensee shall notify the Secretary of State.
3. Upon the sale, exchange or other disposition of vehicles, bodies, chassis, engines or parts, the following information must be recorded.
- A. The name, and address of the person to whom sold or transferred;
 - B. The date and type of transfer; (i.e. sales, exchange, etc.)
 - C. The sales price and type of payment;
 - D. A description of the vehicle, body, chassis, engine or part including:

- 1. The year, make and model;
 - 2. The engine serial number if applicable;
 - 3. The vehicle serial number if applicable;
 - 4. Any other identifying marks or numbers;
- E. The title, salvage certificate, or junking title assigned, or other ownership document given.
4. "Parts" shall include vehicle hulks, vehicle frames, and all essential parts and component parts as defined in the Illinois Vehicle Code, such as clips, doors, fenders, differentials, frames, transmissions, etc. "Parts" does not include carburetors, generators, radiators, steering wheels, etc.
5. Separate records for each vehicle or part shall be kept. Such records shall be clearly legible and open for inspection at any reasonable time by any authorized representative of the Secretary of State or any peace officer. The Secretary of State may prescribe forms for the maintenance of such records.
6. Any person or firm who violates or fails to comply with the provisions of this rule may have his license denied, revoked or suspended in accordance with Section 5-501 of the Illinois Vehicle Code.

III. Rev. Stat. 1975, ch. 95½, § 5-401:

Licensees required to keep records. (a) Every person licensed under Chapter 5 of this Act shall maintain for 3 years, in such form as the Secretary of State may by rule or regulation prescribe, at his principal place of business a record of:

- 1. Every new or used vehicle, used parts or accessories, body, or engine of or for such vehicle purchased, received, or acquired by him, a description of every said vehicle part or accessory including numbers of or other marks of identification, if any, together with the date and the names and addresses of the person from whom each such vehicle, part or accessory was purchased, received or acquired. In the case of a motor vehicle, such description shall also include the trade name, the name of the maker, type, engine and serial number and vehicle identi-

fication number in lieu of the engine and serial number and other distinguishing marks, and whether any number thereon have been defaced, destroyed or changed;

2. Every new or used vehicle, body, chassis or engine of or for such motor vehicle sold, exchanged, or disposed of by him including numbers of or other marks of identification, if any, together with the date and the names and addresses of the persons to whom each vehicle was sold, exchanged, or disposed of by him. In the case of motor vehicles, such description shall also include the trade name, the name of the maker, type, engine and serial number and vehicle identification number in lieu of the engine and serial number and other distinguishing marks and whether any numbers thereon have been defaced, destroyed or changed;

3. Every vehicle wrecked, dismantled or rebuilt by him and the date of its wrecking, dismantling or rebuilding;

(b) Every licensee shall have in his possession a separate certificate of title assigned to him or other documentary evidence of his right to possession of and for every vehicle, part or accessory in his possession.

(c) Every licensee shall have in his possession a separate salvage certificate issued to him as evidence of his right to possession of any vehicle in his possession.

(d) Every person licensed as a transporter under Chapter 5 of this Act shall maintain for 3 years in such form as the Secretary of State may by rule or regulation prescribe at his principal place of business a record of every vehicle transported by him, including numbers of or other marks of identification thereof, the names and addresses of the persons from whom and to whom such vehicle was delivered and the dates thereof.

(e) Every record required to be maintained under this Section shall be opened to inspection by the Secretary of State or his authorized representative or any peace officer for inspection at any reasonable time during the night or day.